

36

CITY COMMISSION MINUTES

September 21, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 21, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

Ken Dunham of Hoover Rd. stated that sewage water placed on the Kaw Valley Industrial Park farmland may have made his wife sick. He stated that a virus will not die in the material. He stated that he does not want to smell the sewage all the time. Commissioner Johnson requested information regarding the amount of sewage that would be applied. Steve Hoambrecker stated that he was prepared to address the subject during new business on the agenda.

Carolyn Mayo introduced herself to the Commission as the interim director of the Opera House.

Deb Johnston of 1320 McFarland stated that she received information from the City via open record request regarding the amounts the City receives in franchise fees. She stated that the 2009 total was almost a million dollars. She stated that she paid the City \$7.50 for the information. Commissioner Johnson suggested that instead of franchise fees, the City could increase property taxes as they are tax deductible. Deb Johnston mentioned that officials in Bell City, California were arrested for having employment contracts that were not approved by the Commission. Deb Johnston stated that the City charges the maximum fee of 5%; she stated that this needs to be discussed in the newspaper and radio.

CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-18-2010** dated September 2 – September 15, 2010 in the amount of \$1,121,719.51. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Approval of the **September 7, 2010** City Commission Meeting Minutes; approval of the amended **August 17, 2010** City Commission Meeting Minutes. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Change order #1 by Clarke Well & Equipment to decrease the contract amount for Well #18 by \$2,395.00 and to increase the contract days by 107 days. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

Monthly Reports:

1. Rolling Meadows
2. Personnel
3. EMS
4. Fire

Commissioner Taylor stated that he would like a profit/loss statement for Rolling Meadows Golf Course. Cheryl Beatty states that it would be provided.

SPECIAL PRESENTATIONS

Presentation of a Certificate of Appreciation to Armour Eckrich on behalf of the City of Junction City. Mayor Rhodes presented the certificate.

Presentation on a Proclamation recognizing the month of September as National Alcohol and Drug Addiction Recovery Month. Mayor Rhodes read the proclamation.

Officer Wigton will present Certificate/award to the September Yard of the Month winner. Mayor Rhodes presented the award for September Yard of the Month.

PUBLIC HEARING

A public hearing to consider condemnation of the structure at 1803 Oakridge Dr and approval of Resolution R-2631. Mark Karmann stated that this property was purchased at tax sale but the prior owner has a right to reclaim the property for 90 days; for this reason the condemnation will proceed. He stated that the City should re-evaluate the property at the end of 120 days. Mark Karmann stated that the City wants the building to be torn down or rebuilt. Mayor Rhodes opened and closed the public hearing. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve R-2531 for 120 days. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

A public hearing to consider condemnation of structure at 914 and 916 Kramer Court. Mark Karmann stated that this property is involved in a lawsuit. He stated that it is the intention of the owner to finish the project or sell the project. Commissioner Johnson stated that they have had 15 months already. Mark Karmann stated that the developer would have 120 days before the City will bid the demolition project. Mayor Rhodes opened and closed the public hearing on the condemnation of 914 and 916 Kramer Court. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve R-2625 for 120 days. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

UNFINISHED BUSINESS

The consideration and approval of **G-1077** to update the City Ordinance to accurately reflect the new 2010 Standard Traffic Ordinance. **(Final Reading) DeZago**. Commissioner Taylor moved, seconded by Commissioner Johnson to approve Ordinance G-1077 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

NEW BUSINESS

The Consideration and approval of ordinance **(G-1081)** amending Title V, Building and Construction, Title VII, Utilities, of the Municipal Code of the City of Junction City by revising language regarding what improvements may be made in lands dedicated as rights-of-way and/or easements and clarifying the permitting and fee requirements for driveways and lawn sprinkler systems. **(First Reading) Yearout**. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Ordinance G-1081 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of a farmland lease agreement for the Kaw Valley Industrial Park farmland. Commissioner Johnson stated that he was worried about the fluid, and whether Nutriject would be farming the land. Steve Hoambrecker stated that Nutriject places 7.6 million gallons of bio solids on farmland sites; the material is 97% waster and 3% solid. Commissioner Johnson asked if there have been violations by the company in the past. Steve stated that complaints have been about smell. Bruce Jensen of Nutriject stated that the company places the amount of material that crops require; it is similar to 1.5 inches of rain. Bruce Jensen stated that the company follows all laws with regard to distances from roads, wells, and property lines; he stated that this is not a hazardous material. Commissioner Johnson asked if application of the materials would be above or below ground. Bruce Jensen stated that the biosolids would be applied by a pull behind tank on the surface. The City staff needs to check to make sure that application of the materials is legal within City limits. Mayor Rhodes asked if this property would become a primary location for disposal, or only when necessary. Bruce Jensen stated that in the past when the City was unable to remove the biosolids from the plant, the City was required to put the biosolids in retention ponds. Commissioner Taylor asked who makes the decision where to put the material. Bruce Jensen stated that the Nutriject works with the plant managers and land owners. Mr. Strauss talked about his bid and the maintenance of a connecting link road. He stated that a gate has been placed on the road. Dibben stated that he submitted the best bid, and he could work with Nutriject. Commissioner Talley stated that if the land is not going to be used by the City, then the City should consider selling the property; he stated that the deed is in the name of the Spirit of 76. The Commission would like to have more information including: what part of the property cannot be brought out of the flood plain and can be sold, and are biosolids allowed to be spread in the City. Commissioner Heldstab moved, seconded by Commissioner Johnson to table the item

for future consideration. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Johnson stated that he had received e-mails regarding the water & sewer rate increases. The City had no choice but to increase rates. He stated that the City needs to look into how to collect money from developers.

Mayor Rhodes thanked Commissioner Talley for running the Commission Meeting on 9-7-2010 in his absence.

STAFF COMMENTS

City Manager Vernon stated that he has good numbers to present at the CPC meeting at Ft. Riley later in the week. City Manager Vernon reminded the citizens and Commissioners of the Open City Hall project; he would like the service to be used more.

Mayor Rhodes asked for the Commission to consider a letter of support for the Geary Community Hospital. The letter will be sent to each Commissioner via e-mail.

EXECUTIVE SESSION

A session to discuss legal issues of attorney client privilege to include the Commission, City Manager Vernon, and City Attorney Logan; not to exceed 15 minutes. Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 8:25 PM not to exceed 15 minutes to discuss attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager Vernon, and the City Attorney Logan. Commissioner Heldstab moved, seconded by Commissioner Johnson to reconvene into regular session at 8:40 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

A session to discuss personnel issues of attorney client privilege to include the Commission, City Manager Vernon, and City Attorney Logan; not to exceed 20 minutes. Commissioner Heldstab moved, seconded by Commissioner Johnson to adjourn into executive session at 8:43 PM not to exceed 20 minutes to discuss personnel issues of attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager Vernon, City Attorney Logan, and via teleconference Becky McGinnis. Commissioner Heldstab moved, seconded by Commissioner Johnson to reconvene into regular session at 9:05 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

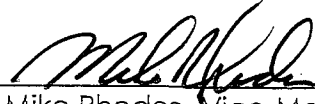
ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn at 9:05 PM Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 5th DAY OF OCTOBER 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 21, 2010.



Tyler Ficken, City Clerk



Mike Rhodes, Vice Mayor

